

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TOMMY PLANTE, a/k/a Joseph Sylvain
Tommy Plante,

Defendant.

MJ 21-58-M-KLD

ORDER

On April 23, 2021, Defendant Tommy Plante appeared before the Court for his initial appearance and arraignment on the Criminal Complaint filed against him. The Court advised Defendant of his rights with respect to the charges. He waived his right to a preliminary hearing.

Because there is probable cause to believe Defendant is a deported alien who illegally reentered the United States the Court must proceed under the procedures set forth in 18 U.S.C. § 3142(d). *United States v. Santos-Flores*, 794 F.3d 1088, 1090-91 (9th Cir. 2015). Based on the information presented to the Court in the bond report prepared by the United States Probation Office, the Court finds that

Defendant may flee or pose a danger to any other person or the community if he were released. *Id.*

Accordingly, IT IS HEREBY ORDERED that Defendant shall be temporarily detained, but not beyond **May 7, 2021**. The Assistant United States Attorney shall immediately notify an appropriate official – an official of either the Department of Homeland Security or the Department of Justice – of Defendant’s detention. On or before **May 7, 2021**, the United States shall file a notice informing the Court whether the United States has elected to take Defendant into custody. If the United States has not elected to take Defendant into custody for deportation, and if the United States seeks to have Defendant detained under the Bail Reform Act pending further proceedings in this matter, then on or before **May 7, 2021**, the United States shall file a notice of its intent to seek detention. Defendant may then file a motion requesting a detention hearing.

IT IS FURTHER ORDERED that the Defendant is remanded to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the

Defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 23rd day of April, 2021.



Kathleen L. DeSoto
United States Magistrate Judge